

## REMARKS

Reconsideration of the application in view of the foregoing amendment is respectfully requested.

By the present amendment, the specification has been amended to substitute a term used therein with a more commonly used term. Claims 6 and 8-11 have been amended to make some changes of editorial nature and/or to replace the language therein the Examiner objected to.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

### I. Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 9-11 under 35 U.S.C. § 112, second paragraph, for being indefinite, pointing out the language in these claims rendering the claims indefinite. As noted above, Claims 9-11 were amended to replace the language that, in the Examiner's opinion, rendered the claims indefinite. It is respectfully submitted that all of Claims 1-11 comply with the requirements of 35 U.S.C. § 112.

## II. Rejection Over the Prior Art

The Examiner rejected Claims 1-3, 6-7 and 9-11 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,000,128 to Veldman (Veldman) in view of Achten, U.S. Patent No. 6,279,517 (Achten). It is respectfully submitted that all of Claims 1-11 are patentable over the combination of Veldman and Achten.

Specifically, Claim 1 recites that the dosing device (30) comprises a displacement body (50, 51) arranged in the dosing device chamber (31) and having an adjustable displacement volume.

It is respectfully submitted that the structure recited in Claim 1 is not disclosed or suggested in the prior art, including all of the prior art of record in this application. Considering the prior art, Veldman, as recognized by the Examiner herself, does not disclose a dosing device with a displacement body arranged in the chamber of the dosing device. No such dosing device is disclosed in Achten.

Achten discloses a free piston engine provided with a purging air dosing system. The dosing system includes a piston (22) (displacement body) that pumps air from an air supply (A) through non-return valves (23 and 25) (column 2, lines 25-33). However, the volume of the piston (22) does not change. Achten does not disclose a dosing device with adjustment of a dosed amount resulting from adjustment of the displacement volume of the displacement body

Under MPEP § 2143 *prima facie* case of obviousness requires that three basic criteria be met.

First, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitation.

It is respectfully submitted that at least the third element of *prima facie* obviousness was not established. Even assuming, *arguendo*, that Veldman and Achten are combined, the combination of Veldman and Achten would fail to disclose a dosing device having a displacement body with an adjustable displacement volume.

In view of the above, it is respectfully submitted that the combination of Veldman and Achten does not make the present invention, as defined by Claim 1, obvious, and Claim 1 is patentable over this combination, and is allowable.

Claims 2-11 depend on Claim 1 and are likewise allowable.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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This correspondence is being deposited with the United States Postal Service on September 15, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER 843 205 034 US addressed to the Honorable Commissioner for Patents, Alexandria, VA 22313-1450.

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